

Section b.) Amendments to the Claims.

The text of all claims under examination is shown below in the listing. Claims being amended in this paper include markings indicating changes that have been made relative to the prior version. These changes are shown by strikethrough for deleted matter and underlining for added matter. No accompanying clean version is supplied. The text of pending claims not being currently amended that are under examination are shown in clean version in the listing. Cancelled claims are indicated merely by their status without the text.

Listing of Claims:

Claim 1 (currently amended): A diorganopolysiloxane/acrylate ester copolymer containing emulsion composition for fabric treatment comprising (A) 100 weight parts of an emulsion containing a copolymer formed from (i) an hydroxyl endblocked diorganopolysiloxane having a least two silicon bonded alkenyl groups in each molecule and (ii) an acrylate ester monomer; (B) 1-100 weight parts of colloidal silica; (C) 0.01-15.0 weight parts of a condensation catalyst; and (D) 1-50 weight parts of an inorganic flame retardant, and (E) 0.1-30 weight parts of an organic flame retardant comprising a halogenated hydrocarbon.

Claim 2 (original): A composition according to Claim 1 wherein condensation catalyst (C) is a metal salt of an organic acid selected from the group consisting of dibutyltin dilaurate, dibutyltin diacetate, dibutyltin dioctate, tin laurate, and zinc octanoate; a titanate ester selected from the group consisting of tetrabutyl titanate, tetrapropyl titanate, and dibutoxy titanium bis(ethyl acetoacetate); or an amine compound selected from the group consisting of n-hexylamine and guanidine.

Claim 3 (original): A composition according to Claim 1 wherein inorganic flame retardant (D) is aluminum hydroxide, antimony oxide, chlorophosphonate, or bromophosphonate.

Claim 4 (canceled).

Claim 5 (original): A method of treating fabrics comprising applying to fabrics the composition according to Claim 1.

Claim 6 (original): A method according to Claim 5 in which the composition is applied to the fabrics as a fabric dip.

Claim 7 (original): A method according to Claim 6 in which the fabric is a material used in manufacturing tents or automotive air bags.

Claim 8 (original): A fabric treated in accordance with the method defined in Claim 5.

Section c.) Remarks.

This reply is in response to the Office Action dated December 23, 2003.

The Examiner has rejected originally filed Claims 1-8 under Section 103(a) as being unpatentable over Nakazato (EP 457616) in view of Ona (EP 565093) and Harper (US 4618512).

Claim 1 has been amended to bring out a feature absent from the references proposed to be combined by the Examiner. Thus, none of the references cited by the Examiner disclose the use of a combination of flame retardants comprising a mixture of an inorganic flame retardant such as antimony oxide or aluminum hydroxide, and an organic flame retardant which is a halogenated hydrocarbon such as hexabromocyclododecane. Tables 1 and 2 show the unexpected good results obtained with compositions containing such compounds.

While Harper teaches the use of inorganic flame retardants such as antimony oxide, nothing in Harper relates to the use of halogenated hydrocarbons in combination with antimony oxide. The halogenated compounds in Harper are not hydrocarbons, since they contain elements other than hydrogen and carbon. Rather, the halogenated compounds in Harper are halogenated alcohols containing hydrogen, carbon, and oxygen.

In addition, it is not seen that one skilled in the art would seek or be motivated to combine Harper with Nakazato and Ona, since there is nothing in Harper even remotely related to a diorganopolysiloxane/acrylate ester copolymer containing emulsion composition comprising (A) 100 weight parts of an emulsion containing a copolymer formed from (i) an hydroxyl endblocked diorganopolysiloxane having a least two silicon bonded alkenyl groups in each molecule, and (ii) an acrylate ester monomer.

In view of the above, it is considered that the claims distinguish over the cited references for the reasons stated, and the Examiner is requested to withdraw the rejection and pass the case to issue.

Respectfully submitted,

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